



ASSISTANT SECRETARY OF STATE  
WASHINGTON, D.C. 20520

*Argentina*

**URGENT**

Dear Dave —

~~I thought this would be useful for you to see before Espil comes in — he's likely to raise the issue, complain about Terry Shectack & otherwise test our resolve —~~  
Best — Pat

~~Department of State, A/GIS/IPS/SRP~~

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~~IPS by *W* obtained *not obt.* Date *12-17-16*~~

Department of State, A/GS/IPS/SRP

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DEPARTMENT OF STATE

104-16

## BRIEFING MEMORANDUM

S/S

February 22, 1980

CONFIDENTIAL

To: P - Mr. David Newsom

From: HA - Patricia M. Derian

DisappearancesThe Problem

ARA is opposing U.S. co-sponsorship of the West European resolution to establish a universal mechanism to deal with the problem of disappearances. (Tab 1.)

Issues

-- All of the West European countries plus Canada and Australia are co-sponsoring.

-- This is a top priority item for the U.S. at this session.

-- The resolution is not country-specific.

-- The Argentine government has been aware of our position for several weeks:

- In mid-January, instructions to Embassy Buenos Aires were cleared by Christopher, Brzezinski, and Bowdler, as well as IO and HA, stating we expect Argentina not to obstruct or otherwise oppose establishment of a universal procedure to deal with disappearances. In return, the U.S. would:

1) Not introduce a resolution dealing solely with disappearances in Argentina.

2) Not support, under the 1503 item, public censure of Argentina or the sending of an ad hoc investigating team. Instead, we would settle for "direct contacts" or a "thorough study."

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(GDS Feb. 22, 1986-Patricia M. Derian)

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-- If Argentina tried to block a universal procedure, we reserved the right to support a country-specific resolution on disappearances and would also review our stand on the 1503 approach.

(These instructions are contained in State's 8592-NODIS.)

-- The instructions for General Goodpaster's mission contained the same positions.

-- The Argentina government told General Goodpaster that Argentina would not oppose the establishment of a general procedure.

-- Final instructions to the U.S. Delegation (attached) take account of Argentina's commitment and restate our position. (Tab 2)

-- At Geneva, Argentina has very clearly violated the commitment given to Goodpaster and Castro. (Cables attached at tab 3).

-- The Argentines have also begun another of their big diplomatic offensives to weaken U.S. and western resolve.

-- They've tried to claim they didn't promise not to oppose the proposals in the present western draft. This is absurd. The western draft is based on the Sub-commission's public recommendations of last August. Argentina knew all along what was involved.

-- ARA is arguing that the U.S. never told the Argentines we were going to co-sponsor, and that we should therefore just vote "yes" when the time comes. However, we made it clear to the GOA that this is a matter of top priority which we intend to support vigorously. There is no way to read the cables on the subject without concluding that we intend to co-sponsor. (ARA never even asked the question, by the way.) To conclude that we meant less is to torture the meaning of the instructions beyond all rationality.

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-- Failure to co-sponsor would also place us conspicuously alone in the west and would be a public statement of retreat on a critical issue. (We would also have to answer the question: "Did we make a secret deal on grain? or on the Olympics?)

-- Representative Bonker, a member of the U.S. Delegation, is introducing a concurrent resolution on disappearances. We understand the resolution is likely to pass quickly in the House, perhaps during the time the issue is being debated in Geneva.

Attachments:

1. Resolution.
2. Instructions to U.S. Delegation
3. Argentina's commitment.

HA:PFlood/PMDerian/cpj  
20334, 2/22/80

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82 GENEVA 2569

02/22/80 111654 PRINTFR: WU

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ACTION IO-15

INFO OCT-01 ARA-11 ADS-00 HA-05 SSO-00 NSCF-00 INRE-00  
ICAE-00 AF-10 EA-10 EUR-12 NEA-06 CIAE-00 DODF-00  
PM-05 H-01 INR-10 L-03 NSAF-00 PA-01 SP-02 SS-15  
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FM USMISSION GENEVA

TO SECSTATE WASEDC IMMEDIATE 2554

INFO USMISSION USUN NEW YORK

AMEMBASSY BUENOS AIRES

~~CONFIDENTIAL~~ SECTION 01 OF 02 GENFVA 22569

E.O. 12065: GDS 2/15/86 (HELMAN, G.R.) OR-M

TAGS: UNHRC, SHUM, ECCN

SUEFCT: UNHRC: PLANNED WFO ACTION ON DISAPPEARED  
(ITEM 12E)

1. (C - ENTIRE TEXT)  
 2. AN INFORMAL WORKING GROUP OF WEOCS (INCLUDING COHEN, US) HAS PREPARED A DRAFT RESOLUTION ON MISSING AND DISAPPEARED PERSONS FOR COMMISSION ADOPTION. WFO STRATEGY IS FOR SELECTED WFO PFFADS OF DELEGATIONS (TENTATIVELY FRANCE, CANADA, UK, NETHERLANDS) TO DISCUSS THE TEXT DIRECTLY WITH THE ARGENTINE REP. THEREAFTER A WORKING GROUP COMPOSED OF WEOCS AND ARGENTINES (AT WORKING LEVEL) WILL WORK OUT PRECISE TEXT. AS A FIRST STEP, THE FRENCH REP. (SOYER) WILL GIVE THE TEXT FEBRUARY 15 (FRIDAY) TO THE ARGENTINE PEP (WFO REQUESTED IT FROM SOYER, HAVING HEARD OF WFO INITIATIVE) WITH THE REQUEST THAT AFTER THE ARGENTINES HAVE STUDIED IT, A MEETING OF HEADS OF DELEGATIONS WILL TAKE PLACE. THE FRENCH REP. WILL REPORT TO THE WEOCS MONDAY MORNING ON THE INITIAL ARGENTINE REACTION BEFORE STEP

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TWO IS CARRIED FORWARD.

3. TEXT IS AS FOLLOWS:

THE COMMISSION ON HUMAN RIGHTS,  
 (1) BEARING IN MIND GENERAL ASSEMBLY RESOLUTION 33/173 OF 20 DECEMBER 1978, WHICH REQUESTED THE COMMISSION ON HUMAN RIGHTS TO CONSIDER THE QUESTION OF DISAPPEARED PERSONS WITH A VIEW TO MAKING APPROPRIATE RECOMMENDATIONS,  
 (2) TAKING INTO ACCOUNT RESOLUTION 1979/38 OF THE ECONOMIC AND SOCIAL COUNCIL, AND RESOLUTION 5 E (XXXII) OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES,  
 (3) CONVINCED THAT THE ELIMINATION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES REQUIRES A SYSTEMATIC EFFORT ON THE PART OF THE INTERNATIONAL COMMUNITY AND ON THE PART OF

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*WESTERN  
DRAFT  
RESOLUTION*

Department of State, A/G/S/IPS/SRP  
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 (1) Defense ( ) Ex-1352625 ( ) (X) (X)  
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ACTION 10-15

INFO OCT-01 ARA-11 ADG-00 HA-05 AF-10 EA-10 EUR-12  
 NEA-00 AID-01 SP-01 RP-10 TAEZ-00 CHS-01 OMB-01  
 CIAE-00 DODD-00 NSC-00 NCCE-00 SDO-00 TCAE-00  
 TIRE-00 PH-05 H-01 IAE-10 L-03 PA-01 SP-02 SY-05  
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TO SECSTATE WASHDC IMMEDIATE 2182

INFO AMEMBASSY BUENOS AIRES

CONFIDENTIAL GENEVA 01975

E.O. 12065: GDS 2/7/86 (HELMAN, G. B.) OR-M  
 TAGS: UHRC, CHUM, UN  
 SUBJECT: 36TH SESSION UHRC: ARGENTINE POSITIONS

## 1. C - ENTIRE TEXT

2. USDEL LEARNED (ELCON RUSER-COREN) OF RECENT GOA DEMANDS TO INFLUENCE US POSITION ON 1503 COMMUNICTION AGAINST ARGENTINA (SEE REF A). CONTRARY TO ARGENTINE INFORMATION, THE WORKING GROUP HAS NOT YET FINISHED ITS WORK NOR ISSUED ITS REPORT. IT IS NOT SCHEDULED TO COMPLETE ITS WORK UNTIL THE WEEK OF FEBRUARY 13. THEREAFTER THE COMMISSION IS EXPECTED TO TAKE UP THE 1503 CASES. LIKE ARGENTINA, USDEL HAS HEARD RUMORS ABOUT SOME OF THE GROUP'S DECISIONS TO DATE BUT SINCE THEIR WORK IS NOT YET COMPLETED AND THEIR REPORT NOT ISSUED WE DO NOT TAKE THESE RUMORS AS FINAL. THE GOA IS CLEARLY EMBARKED ON A CAMPAIGN TO INFLUENCE THE WORKING GROUP PRIOR TO THE COMPLETION OF ITS REPORT AND ALSO TO INFLUENCE COMMISSION CONSIDERATION OF THE REPORT. USDEL CONSIDERS THIS INTERFERENCE WITH THE EFFECTIVE AND FAIR FUNCTIONING OF THE PROCEDURES, THE WORKING GROUP, AND THE FLEXIBILITY STATES SHOULD HAVE TO DECIDE ON THE HERITIS OF THE CASE AFTER HEARING THE WORKING GROUP'S RECOMMENDATIONS.

3. IN FACT, ARGENTINA HAS BEEN QUITE BLATANT IN ITS POLITICIZING IN THE HRC. THUS, THE GCA TO DATE HAS TAKEN POSITIONS OBSTRUCTING THE COMMISSION'S PROGRESS IN THE HUMAN RIGHTS FIELD. ARGENTINA WAS THE ONLY REPEAL ONLY LATIN AMERICAN STATE TO VOTE WITH THE SOVIET BLOC AND AGAINST THE VEST TO PREVENT THE COMMISSION FROM SENDING A TELEGRAM TO THE USSR ON THE SANKAROV CASE (SEE REF B). THE VOTE WAS A VERY CLOSE ONE, 15-COVIET BLOC TO 12 SO THAT THE ARGENTINE VOTE COUNTED. OTHER LATIN AMERICAN STATES EITHER JOINED THE VEST IN THE VOTE (COLOMBIA, COSTA RICA, URUGUAY) OR ABSTAINED (BRAZIL, PERU, PARAGUAY). MOST OF THE 15 WERE SOVIET ALLIES, DEMONSTRATING WHAT IS COMMONLY UNDERSTOOD AMONG THEM TO REFLECT A DEAL CODED BETWEEN ARGENTINA AND THE USSR TO PROVIDE MUTUAL SUPPORT. THE WEST DID SUCCEED HOWEVER IN ENSURING THAT THE COMMISSION WOULD TAKE UP THE SANKAROV CASE PUBLICLY AT A LATER TIME UNDER ITEM 12 (THE SAME ITEM ARGENTINA WILL CURE UNDER). FUTURE VOTES BY CUBA, CHINA, KAMPUCHEA, AFGHANISTAN AND IRAN WILL PROVIDE FUTURE TESTS OF ARGENTINA'S POSITION ON HUMAN RIGHTS GENERALLY.

4. THE ARGENTINE DELEGATION ALSO HAS DELAYED AND ULTIMATELY MAY ELIC PROGRESS ON CERTAIN PROVISIONS OF THE TORTURE CONVENTION, ANOTHER HIGH PRIORITY ITEM FOR THE US. ALTHOUGH THE WORKING GROUP ON THE CONVENTION AGAINST TORTURE HAS REACHED THE STAGE WHERE ADOPTION OF ALL ARTICLES EXCEPT PERHAPS THOSE ON AN IMPLEMENTATION MECHANISM IS POSSIBLE AT THIS HRC SESSION, THE ARGENTINE REPRESENTATIVE (WITH CUBAN HELP) OFTEN HAS SINGLEHANDEDLY

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DELAYED OR OBSTRUCTED THE PROGRESS OF THE WORKING GROUP. THIS COULD HOLD UP THE CONVENTION'S EARLY COMPLETION. THEIR USUAL TACTIC IS STUDIOSH INSISTENCE ON ARGENTINE AMENDMENTS WHICH ARE OBVIOUSLY INCOMPATIBLE WITH CRIMINAL JUSTICE SYSTEMS OF MOST COUNTRIES REPRESENTED IN THE WORKING GROUP (A WHICH WOULD OR HARROW MODEL PROVISIONS IN THE HAGUE (AIRCRAFT HIJACKING), MONTREAL (AIRCRAFT SABOTAGE), NEW YORK (PROTECTION OF DIPLOMATS) AND HOSTAGES CONVENTIONS). SOVIET REPRESENTATIVE IN WORKING GROUP, INITIALLY COOPERATIVE, HAS IS SHOWING SIGNS OF BEING ENCOURAGED BY ARGENTINE TACTICS TO BECOME OBSTRUCTIONIST, IN PARTICULAR BY PROPOSING EQUALLY UNACCEPTABLE "COMPROMISES" ON ARGENTINE AMENDMENTS.

5. IN SUMMARY, USDEL IS DISTURBED TO DATE BY ARGENTINE PERFORMANCE AT CHR ON HUMAN RIGHTS QUESTIONS AND BY ITS CLOSE ALLIANCE WITH THE USSR IN SUPPORT OF POSITIONS CLEARLY DENTRIMENTAL TO US HUMAN RIGHTS EFFORTS AND OBJECTIVES. THESE POINTS CERTAINLY SHOULD BE RAISED IN ANY FUTURE DEBATES THE GOA SHOULD HAVE TO USG ABOUT OUR POSITIONS. FYI, IN CONVERSATIONS BETWEEN USREP SHECTACK AND COLOMBIA AND COSTA RICAN REPS, VIEW EXPRESSED THAT WEAKENING OF US POSITION ON ARGENTINA WOULD BE SEEN AS DEFLECTION FROM US COMMITMENT TO HUMAN RIGHTS.

6. CONVERSATIONS OF HELMAN AND SHECTACK WITH ARGENTINE FIRM REP AND HRC REP WILL BE REPORTED SEPTEL. HELMAN

*Argentina*  
*Argentine Behavior*  
*in Geneva*

Department of State, A/GIS/IPS/SRP

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ACTION 10-15

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INFO OCT-01 ARA-11 ADS-00 HA-05 CIAE-00 DODE-00 PM-05  
H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15  
NSCE-00 SSO-00 ICAE-00 INRE-00 OIC-02 /071 W  
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FM USMISSION GENEVA  
TO SECSTATE WASHDC IMMEDIATE 2690  
INFO AMEMBASSY BUENOS AIRES IMMEDIATE~~CONFIDENTIAL~~ GENEVA 02719E. O. 12065: GDS 2/20/86 HELMAN, G. B.) DR-M  
TAGS: UNHRC  
SUBJECT: 36TH UN HUMAN RIGHTS COMMISSION: WEO DRAFT  
RESOLUTION ON DISAPPEARED (ITEM 10B)

REF: GENEVA 2569

1. (C - ENTIRE TEXT.)

2. AT WEO MEETING, THE FOLLOWING STRATEGY WAS AGREED  
UPON FOR RESOLUTION ON DISAPPEARED REPORTED REFTEL.

*Argentine  
objection*

- A) NEGOTIATIONS WILL CONTINUE BETWEEN WEO WORKING GROUP AND ARGENTINE DELEGATION TO SEEK CONSENSUS. THUS FAR GOA HAS BEEN OBSTRUCTIONIST WITH REGARD TO A GENERAL PROCEDURE.
- B) THE WEO DRAFT RESOLUTION WILL BE TABLED ON FRIDAY MORNING (FEB. 22). ALL WEO GROUP PLANS TO CO-SPONSOR. USDEL RECOMMENDS STRONGLY THAT WE CO-SPONSOR THIS MODERATE RESOLUTION FOR AN EFFECTIVE GENERAL PROCEDURE FOR DISAPPEARED. PLEASE ADVISE.
- C) CANADIAN DELEGATION SUGGESTED THAT IF ARGENTINES REMAIN OBSTRUCTIONIST, WEO SHOULD REINTRODUCE ITS RESOLUTION OF LAST YEAR WHICH AFFORDS ARGENTINA SIMILAR TREATMENT TO CHILE. USDEL OPPOSED THIS, BUT THERE IS SUPPORT AMONG SOME WEO MEMBERS FOR THIS STRATEGY.

3. USDEL AWAITS INSTRUCTIONS ON 2 (B). HELMAN

*PF*  
Cleared cable okaying  
US co-sponsorship  
2/21/80  
DOS  
2/22 - 9:30 A.M.  
Learned that  
cable was not  
sent because of  
ARPA [redacted]  
objections.

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Argentina (2 of 4)